

DAVID BURCHARD
CHAPTER 13 TRUSTEE
P.O. BOX 8059
FOSTER CITY, CA 94404
(650) 345-7801 FAX (650) 345-1514
(707) 544-5500 FAX (707) 544-0475

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

ERNESTO TELLEZ, SR. and DOLORES
MARINA TELLEZ
2515 TURNBERRY DR.
SOUTH SAN FRANCISCO, CA 94080

###-##-9311 ###-##-8533
Debtor(s).

Case No.: 10-3-2488 SFM13

Chapter 13

FIRST AMENDED OBJECTION TO
CONFIRMATION, WITH A MOTION TO
DISMISS, OF THE CHAPTER 13 PLAN, BY
DAVID BURCHARD, CHAPTER 13 TRUSTEE
AND NOTICE

CONFIRMATION HEARING:

Date: 09/08/2010

Time: 1:30 PM

Place: United States Bankruptcy Court
235 Pine Street 22nd Floor
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Debtors' amended Schedule J lists an auto installment payment of \$110.00 per month. The Trustee must be the disbursing agent on all pre-petition obligations with the exception of ongoing mortgage payments and leased vehicle payments. Trustee requests an amended Schedule J and an amended plan.
2. Schedule I indicates income of \$1,065.00 from real property. This income is not listed on Debtors' B22C. Trustee requests clarification and or the appropriate documents are amended in order that they are accurate and consistent.
3. Debtors' amended Schedule J, line 20a reflects \$4,893.25, while line 16 of Schedule I reflects net income of \$5,383.25. Trustee requests the appropriate documents are amended in order that they are accurate and consistent.
4. Trustee's copy of Debtors' petition does not contain an Application for Approval of Attorney Fees. Trustee requests a copy of this document as filed with the court.
5. Trustee requests Debtors provide the appropriate declarations that details Debtors income for the six months prior to the filing of the bankruptcy.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: August 31, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, TINA MITCHELL, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ERNESTO TELLEZ, SR. and DOLORES MARINA
TELLEZ
2515 TURNBERRY DR.
SOUTH SAN FRANCISCO, CA 94080

BRADFORD HODACH
LAW OFFICES OF BRADFORD HODACH
1212 BROADWAY #706
OAKLAND, CA 94612-0000

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: August 31, 2010

TINA MITCHELL

TINA MITCHELL